




County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

February 4, 2005

To: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

Board of Supervisors
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Second District

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**ICAN RECOMMENDATION TO DRAFT URGENCY LEGISLATION TO STRENGTHEN
THE AUTHORITY OF CHILD DEATH REVIEW TEAMS TO HAVE ACCESS
TO PUBLIC SCHOOL STUDENT RECORDS (ITEM NO. 57, AGENDA OF
FEBRUARY 8, 2005)**

Item No. 57 on the February 8, 2005 agenda is a recommendation by the Inter-agency Council on Child Abuse and Neglect (ICAN) requesting the Chief Administrative Officer to instruct County Counsel to: a) draft urgency legislation to strengthen the legislative authority for Child Death Review teams, including Child and Adolescent Suicide Review, to have access to public school student records, and allow school personnel to share information with these teams; b) work with our County legislative representatives in Washington D.C. in an effort to amend Federal Law, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; 34 CFR Part 99), to permit the sharing of student school records in a multi-disciplinary team setting; c) work with ICAN's Child Death Review Team around issues involving child fatality review and the need for this legislation; and d) instruct ICAN and County Counsel to submit a report on the status of this legislation within 120 days.

Representatives from the Department of Children and Family Services, the Coroner's Office, mental health agencies, prosecutorial agencies, County Counsel, and others are regular participants on ICAN Child Death Review Teams. Until recently, representatives from the Los Angeles Unified School District (LAUSD) and the Los Angeles County Office of Education have participated. However, on the advice of LAUSD's attorneys, that practice of sharing student school records has stopped because of concern with potential liability surrounding the release of confidential educational records without written parental consent, court order, or under State or Federal mandate.

County Counsel participates on the ICAN Child Death Review Teams and indicates that providing access to public school student records will assist these teams to help prevent child deaths.

Federal Law

With respect to student school records, existing Federal law is aimed at protecting the privacy of student education records and generally prohibits the sharing of student education records with any individual, agency, or organization without the written consent of the parents. There are some specific exceptions to this standard that allow others to review student records, for example, other school officials who have legitimate educational interests; officials of other schools in which the student intends to enroll; State educational authorities; and State and local officials, as authorized by State statute, if the disclosure concerns the juvenile justice system prior to adjudication.

There have been no recent attempts to amend Federal law to allow Child Death Review Teams access to student education records. **Since there is no existing County policy on amending Federal law to allow Child Death Review Teams access to student education records, this issue is a matter for Board policy determination.**

State Law

Existing State law prohibits a school district from permitting access to student records to any person without written parental consent or under judicial order. The exceptions to this standard in State law are similar to those in Federal law with additional exceptions, including permitting access to members of a School Attendance Review Board; various other education officials; a student, 16 years or older, or a student having completed the 10th grade who requests access; a district attorney, judge or probation officer participating in a truancy mediation program or truancy petition; a probation officer or district attorney conducting a criminal delinquency investigation; and child welfare agencies for the purpose of fulfilling case management requirements; among others. Existing State law also allows for the sharing of confidential information within a multi-agency setting by child welfare, health, mental health and law enforcement agencies but does not include school personnel.

While there have been no recent attempts to amend State law to specifically allow Child Death Review Teams access to student education records, there have been attempts to allow additional authorized persons access to student school records. County-sponsored SB 963 (Vincent) in 2001 would have allowed probation officers and social workers access to school records, but this measure was vetoed by Governor Davis. In 2003, County-supported AB 490 (Steinberg) extended access to child welfare agencies for the specific purposes of fulfilling State requirements related to a foster child's health and education summary, fulfilling case management responsibilities, and

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to assist with a child's school transfer or enrollment. AB 490 was signed by the Governor on October 12, 2003. However, since these measures are not directly related to access to student education records by Child Death Review Teams, there is no existing County policy on ICAN's recommendation. **Therefore, this issue is a matter for Board policy determination.**

DEJ:GK
EW:ib

c: Executive Officer, Board of Supervisors
County Counsel
Department of Children and Family Services
Inter-agency Council on Child Abuse and Neglect
Legislative Strategist